

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

JERRY PINNELL, JEREMY FERNANDEZ)
AND SHANE PERRILLOUX, individually)
and on behalf of all others similarly situated,)

Plaintiffs,)

v.)

TEVA PHARMACEUTICALS USA, INC.,)
BOARD OF DIRECTORS OF TEVA)
PHARMACEUTICALS USA, INC., TEVA)
PHARMACEUTICALS USA, INC.)
INVESTMENT COMMITTEE, and JOHN)
AND JANE DOES 1-30.)

Defendants.)

**CIVIL ACTION NO.:
2:19-CV-05738-MAK**

**PLAINTIFFS' RENEWED UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT, PRELIMINARY CERTIFICATION OF
SETTLEMENT CLASS, APPROVAL OF CLASS NOTICE AND
SCHEDULING OF A FAIRNESS HEARING**

Plaintiffs Jerry Pinnell, Jeremy Fernandez, and Shane Perrilloux (collectively "Plaintiffs"), participants in the Teva Pharmaceuticals Retirement Savings Plan (the "Plan"), previously submitted for the Court's consideration, their Unopposed Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, Approval of Class Notice and Scheduling of a Fairness Hearing (ECF 68) with an accompanying memorandum (ECF 68-1) and declaration (ECF 68-2). The Court held a public hearing on November 30, 2020 on Plaintiffs' motion. Plaintiffs' motion was denied without prejudice.

Accordingly, Plaintiffs now respectfully submit the Renewed Unopposed Motion for Preliminary Approval of the Class Action Settlement, Preliminary Certification of Settlement Class, Approval of Class Notice, and Scheduling of a Fairness Hearing ("Motion for Preliminary Approval") and respectfully move this Court for an Order (1) granting preliminary approval to the

proposed Settlement Agreement entered into with Defendants¹ (the “Settlement” or “Settlement Agreement”), (2) preliminarily certifying the Settlement Class, (3) approving the form and manner of providing notice of the Settlement to the proposed Settlement Class (the “Notice Plan”), and (4) scheduling a Fairness Hearing. Certain exhibits to the Settlement Agreement, namely, the Plan of Allocation, Proposed Preliminary Approval Order, and Settlement Notice, have been revised consistent with the Court’s expressed concerns. The revised exhibits are attached to the accompanying declaration of Mark K. Gyandoh. Plaintiffs otherwise incorporate their arguments in support of preliminary approval of the Settlement as set forth in their prior filing (*e.g.*, ECF 68-68-4).

For the reasons set forth in the accompanying memorandum of law, Plaintiffs submit the proposed Settlement Agreement, as modified by virtue of the revised exhibits, is fair, reasonable, and adequate. Additionally, the proposed Settlement Class satisfies the requirements of Federal Rule of Civil Procedure 23(a) and (b)(1), thereby warranting preliminary certification for the purposes of this Settlement. Moreover, the Notice Plan satisfies the requirements of due process and is consistent with such Notice Plans as utilized in analogous actions. Accordingly, Plaintiffs respectfully submit preliminary approval of the Settlement should be granted, the Settlement Class should be preliminarily certified, the Notice Plan should be approved, and a Fairness Hearing should be scheduled.

A revised Proposed Order is submitted hereto.

DATED: December 4, 2020

Respectfully submitted,

CAPOZZI ADLER, P.C.

¹ “Defendants” refers, collectively, to Teva Pharmaceuticals USA, Inc. (“Teva”), Board of Directors of Teva Pharmaceuticals USA, Inc. (“Board”), and Teva Pharmaceuticals USA, Inc. Investment Committee (“Committee”) (collectively, the “Defendants”).

/s/ Mark K. Gyandoh

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